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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No. 7073 of 2007

PETITIONER

1. Aghanu Ram Gajpal age about 58 year, Assistant Teacher, s/o Shri Chatur Ram Gajpal Govt. Primary School Baliyara, Block Dhamtari, District Dhamtari(CG)
2. Chinronji Lal Patel age about 53 year, Assistant Teacher s/o Shri Sadhu Ram Patel, Govt. Primary School Audhogik Ward, Block Dhamtari, District Dhamtari(CG)
3. Heera Singh Songair age about 56 year, Assistant Teacher S/o Late Shri Kejuram Songair Govt. Middle School Mujgahan Block Dhamtari, District Dhamtari(CG)
4. Narayan Lal Sahu, age about 51 year, Assistant Teacher, s/o Late Shri Parasram Sahu, Govt. New Girls Hr. Sec. School Dhamtari, Block Dhamtari, District Dhamtari(CG)
5. Kunwar Singh Sahu, Age about 53 year, Assistant Teacher, s/o Late Shri Shravan Singh Sahu, Govt. Primary School Joratarai(Silouti) Block Kurud, district Dhamtari(CG)
6. Raja Ram Sahu, age about 52 year, Assistant Teacher S/o Late Shri Mehattar Ram Sahu, Govt. Primary School Doma, Block Dhamtari, District Dhamtari(CG)
7. Rajkumar Dhruw, age about 54 year, Assistant Teacher s/o Late Shri Dhanau Ram Dhruw Govt. Girls Primary School Ji-jamgaon Block Kurud, District Dhamtari(CG)
8. Smt. Vanmala Soni, age about 52 year, Assistant Teacher, W/o Shri Harish Kumar Soni, Govt. Girls Primary School Danitoli Block Dhamtari, District Dhamtari(CG)
9. Gopal Ram Rawate, age about 50 year, Headmaster s/o Late Shri Banwali Ram Govt. Primary School, Ji-jamgaon Block Kurud, District Dhamtari(CG)

Versus

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RESPONDENTS

1. State Govt.of Chhattisgarh, Through Secretary, Education Department, D.K.S. Bhawan, District Raipur (C.G.)
2. District Education Officer, District Dhamtari(CG)
3. Block Education Officer, Kurud/Dhamtari
4. Treasury, Accounts & Pension, District Dhamtari(CG)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Somkant Verma, Counsel for the petitioners.
Ms. Sunita Jain, Panel Lawyer for the State on advance copy.

ORAL ORDER
(28.11.2007)

SUNIL KUMAR SINHA, J

Heard.

Learned counsel for the petitioners submits that the issue involved in the case is as to whether the petitioners are entitled to regular pay scale w.e.f. the date of initial appointment or from the date of completion of probation period. He submits that the issue involved herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No.2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. and others), wherein, it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No.6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from the date of initial appointment.

Learned counsel for the petitioners further submits that this Court, while considering the same issue in Ram Kumar Sahu and others Vs. State Govt. of Chhattisgarh and another (W.P.(S) No.813 of 2007) by order dated 12.2.2007, has granted regular pay scale w.e.f. the date of initial appointment.

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Learned counsel for the parties jointly submits that this case is squarely covered by the decision of this Court in the case of Ram Kumar Sahu and another (supra).

In view of that, this petition is allowed in the same terms.

However, this order shall be subject to all verifications made by the State regarding facts pleaded in the petition.

Sd/-
Sunil Kumar Sinha
Judge

Sunita